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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hubertus Johannes Marie OP DEN CAMP, et al.

Serial. No. 10/500,872 ✓

Filed: July 7, 2004

For: FERMENTATION OF PENTOSE SUGARS

Art Unit: TBA

Examiner: TBA

Confirmation No.: 1317

Atty. Docket No. 28902.0008

Customer No. 30827

Mailstop PCT

Commissioner of Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION: CORRECTION OF INVENTORSHIP

Dear Sir:

In response to the Decision mailed June 3, 2005, and a subsequent teleconference of the undersigned with Attorney-Advisor Anthony Smith of the Office of PCT Legal Administration, Applicants respectfully submit:

- Consent of Assignee Royal Nedalco B.V. under 37 CFR §3.73(b);
- Copy of Decision; and
- Copies of the Assignment and the Notice of Recordation.

The previous "Consent of Assignee" document was found not to be acceptable because of the format of the hand-printed names and signatures of two officials of the Assignee. This has been remedied in the currently submitted Consent document which has been executed by one authorized individual of the Assignee..

Applicants renew their request that the Commissioner grant the Petition filed December 6, 2004.

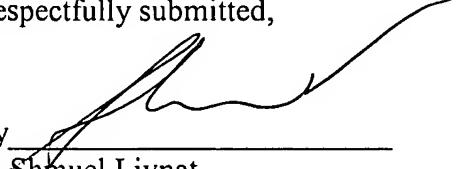
In view of the foregoing and the attached papers, this application is deemed to be in proper condition for examination and allowance. Such favorable action is earnestly solicited.

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If any additional fees are required to complete the filing of this response, this is to serve as authorization for the extra fees to be charged to Deposit Account No. 50-0911. Please also credit any overpayment to Deposit Account No. 50-0911.

Respectfully submitted,

By \_\_\_\_\_

  
Shmuel Livnat

Registration No.: 33,949

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

Telephone: (202) 496 7500

Telefax: (202) 496 7756

Attorneys for Applicant

Dated: July 13, 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Hubertus Johannes Marie OP DEN CAMP, et al.

Customer No.: 30827

Application No.: 10/500,872

Confirmation No. 1317

Filed: July 7, 2004

Art Unit: TBA

For: FERMENTATION OF PENTOSE SUGARS

Examiner: TBA

**CONSENT OF ASSIGNEE ROYAL NEDALCO B.V. UNDER 37 CFR § 3.73(b)**  
**FOR CORRECTION OF INVENTORSHIP (2)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Royal Nedalco B.V. is the assignee of the entire right, title and interest in the above-referenced U.S. patent application. I am authorized to act on behalf of the Assignee and agree to correct the inventorship of the above-referenced U.S. patent application to add Jacobus Thomas PRONK as an inventor.

Filed herewith are copies of the executed Assignment and the Notice of Recordation of Assignment from the USPTO.

Ger G. Berner

Date 04/07/05  
04 July 2005

Royal Nedalco B.V.



03 JUN 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Due 8/3/05

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

McKenna Long & Aldridge LLP  
1900 K Street, NW  
Washington, D.C. 20006

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In re Application of  
OP DEN CAMP et al.  
Application No.: 10/500,872  
PCT No.: PCT/NL03/00049  
Int. Filing Date: 23 January 2003  
Priority Date: 23 January 2002  
Attorney Docket No.: 28902.0008  
For: FERMENTATION OF PENTOSE  
SUGARS

RECEIVED

JUN 06 '05

DATE DOCKETED:	6/9/05
DOCKETED BY:	ML
DECISION ON REQUEST	
TO PETITIONER (37 CFR 1.497(d))	
FINAL DATE:	8/3/05
ATTORNEY CONFIRMATION:	

MCKENNA LONG & ALDRIDGE

This decision is in response to "Communication: Correction of Inventorship" filed 27 April 2005, which is being treated as a renewed petition under 37 CFR 1.497(d).

#### BACKGROUND

On 23 January 2003, applicants filed the above-captioned international application, which claimed a priority date of 23 January 2002. The international application named Hubertus Johannes Marie Op Den Camp; Harry Ramanoedj Harhangi; and Christiaan Van der Drift as applicant/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 23 July 2004.

On 07 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee; a translation of the international application; and a declaration executed by: Hubertus Johannes Marie Op Den Camp; Harry Ramanoedj Harhangi; Christiaan Van der Drift; and Jacobus Thomas Pronk.

On 04 October 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration filed 07 July 2004 was defective because the declaration sets forth an inventor who had not been named in the international application. Furthermore, the Notification stated that a sequence listing in computer readable form had not been submitted as required by 37 CFR 1.821-1.825. The notification set a two-month time limit in which to respond.

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On 06 December 2004, applicants filed "Petition to Correct Inventorship under 37 CFR 1.48(a). In a decision dated 03 March 2005, applicants' request to correct inventorship was dismissed without prejudice.

On 27 April 2005, applicants filed "Communication: Correction of Inventorship" which is being treated as a renewed request under 37 CFR 1.497(d).

### DISCUSSION

In the instant case, the international application named Hubertus Johannes Marie Op Den Camp; Harry Ramanoedj Harhangi; and Christiaan Van der Drift as applicant/inventors. Applicants request to add Jacobus Thomas Pronk as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17; and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b). Applicants have satisfied items (2) and (3).

Regarding item (1), applicants have provided a statement from Jacobus Thomas Pronk which states that the error in inventorship occurred without deceptive intent.

In regards to item (4) above, the written consent of the assignee is not acceptable, in that, the "Consent of Assignee Royal Nedalco B.V. under 37 CFR 3.73(b) for Correction of Inventorship" does not identify the name of the individual signing on behalf of the assignee, Royal Nedalco B.V. Further, the "Consent of Assignee Royal Nedalco B.V. under 37 CFR 3.73(b) for Correction of Inventorship" indicates that an assignment is attached, however, a review of the petition papers reveals that the assignment is not located therein. Therefore, applicants must provide newly executed consent of assignee, which identifies the person consenting to the additional inventor, and a copy of the assignment or indicate that the assignment has been recorded in the United States Patent and Trademark Office (e.g., reel and frame number).

### CONCLUSION

Applicants' renewed request under 37 CFR 1.497(d) is DISMISSED without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b). Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to:  
Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box  
1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the  
attention of the Office of PCT Legal Administration.

*Anthony Smith*

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459



31970-05017

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 08, 2005

PTAS

VENABLE, BAETJER, HOWARD AND CIVILETTI,  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

\*102860477A\*

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NOB-8

S2L

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/07/2004

REEL/FRAME: 015875/0963  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

OP DEN CAMP, HUBERTUS JOHANNES  
MARIE

DOC DATE: 06/30/2004

## ASSIGNOR:

HARHANGI, HARRY RAMANOEDJ

DOC DATE: 06/30/2004

## ASSIGNOR:

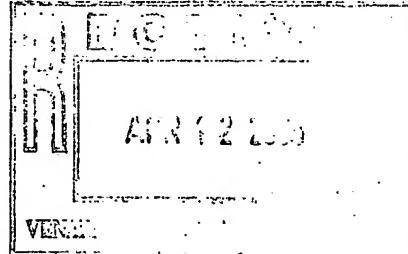
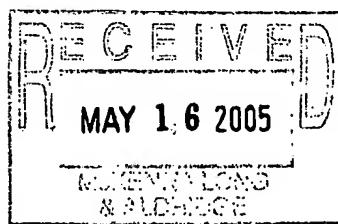
VAN DER DRIFT, CHRISTIAAN

DOC DATE: 06/30/2004

## ASSIGNOR:

PRONK, JACOBUS THOMAS

DOC DATE: 06/30/2004



ASSIGNEE:

ROYAL NEDALCO B.V.  
P.O. BOX 6  
NL-4600 AA BERGEN OP ZOOM

NETHERLANDS

SERIAL NUMBER: 10500872

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

TITLE: FERMENTATION OF PENTOSE SUGARS

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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10-15-2004

Tab settings



102860477

To the Honorable Commissioners of Patents and Trademarks: Please Record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Hubertus Johannes Marie OP DEN CAMP  
Harry Ramanoedj HARHANGI  
Christiaan VAN DER DRIFT  
Jacobus Thomas PRONK

Additional name of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies)  
Name: Royal Nedalco B.V.  
P.O. Box 6  
NL-4600 AA Bergen Op Zoom, The Netherlands

Additional Name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: June 30, 2004

7-7-04

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application by the first named inventor is: June 30, 2004

A. Patent Application No.(s)

07/13/2004 LLANDGRA 00000079 10500872

02 FC:8021

40.00 0P

B. Patent No.(s)

10500872

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning this document should be mailed:

26694

PATENT TRADEMARK OFFICE

Name: VENABLE

Address: P.O. Box 34385

City: Washington State: D.C. Zip: 20043-9998

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) . . . . . \$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Shmuel Livnat

Registration No. 33,949

7-6-04

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and documents: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

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SOLE/Joint INVENTION  
(U.S. Rights only)**ASSIGNMENT****WHEREAS, I/WE:**

**OP DEN CAMP, Hubertus Johannes Marie**  
a citizen of residing at  
the Netherlands Randenrade 60  
NL-5807 BM OOSTRUM  
the Netherlands

**HARHANGI, Harry Ramanoedj**  
a citizen of residing at  
the Netherlands Mooieweg 84  
NL-6836 AJ ARNHEM  
the Netherlands

**VAN DER DRIFT, Christiaan**  
a citizen of residing at  
the Netherlands Windvleugel 36  
NL-6581 DX MALDEN  
the Netherlands

**PRONK, Jacobus Thomas**  
a citizen of residing at  
the Netherlands Bark 5  
NL-2636 DD SCHIPLUIDEN  
the Netherlands

as assignor(s), have made an invention entitled:

**Fermentation of pentose sugars**

for which I/we have:

- (a) filed an application for United States Letters Patent on  
(Serial No.
- (b) executed an application for United States Letters Patent on  
and  
respectively; and

national phase of international application PCT/NL03/00049 filed 23 January 2003

**WHEREAS, Royal Nedalco B.V.**

a corporation of the Netherlands  
whose post office address is:

P.O. Box 6  
NL-4600 AA BERGEN OP ZOOM  
the Netherlands

as assignee, is desirous of securing the entire right, title, and interest in and to the application for United States Letters Patent on this invention and the Letters Patent to be issued upon this application;

NOW THEREFORE, be it known that, for good and valuable consideration the receipt of which first assignee is hereby acknowledged, I/we, as assignor(s), have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the assignee, its lawful successors and assigns, any and our entire right, title, and interest in and to this invention and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof; and I/we hereby authorize and request the Commissioner of Patents of the United States to issue all Letters Patent for this invention to assignee, its successors and assigns, in accordance with the terms of this Assignment.

AND, I/WE HEREBY further covenant and agree that I/we will, without further consideration, communicate with assignee, its successors and assigns, any facts known to me/us respecting this invention and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors and assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

IN TESTIMONY WHEREOF, I/we have hereunto set my/our hand(s).

Witness:

(Signature of first or sole assignor)

Date 30 June 2004

Witness:

(Signature of second assignor)

Date 30 June 2004

Witness:

(Signature of third assignor)

Date 30 June 2004

Witness:

(Signature of fourth assignor)

Date 30 June 2004

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